

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
GAIL SHAW,)	CIVIL ACTION NO. 04-40020 FDS
)	
Plaintiff,)	
v.)	
)	
AETNA LIFE INSURANCE COMPANY,)	
)	
Defendant.)	
_____)	

JOINT STATEMENT OF COUNSEL PURSUANT TO LOCAL RULE 16.1(D)

I. Rule 26(f)/Local Rule 16.1(D) Conference

Conferences were held on June 14 and 15, 2004, pursuant to Fed. R. Civ. P. 26(f) and Loc. R. 16.1(D). The following counsel participated in the teleconference:

- a. Marcia Elliott for plaintiff Gail Shaw; and
- b. James Rotondo for defendant Aetna Life Insurance Company.

II. Proposed Discovery Plan And Case Schedule

The parties' proposal for a discovery plan is as follows.

Automatic Disclosure	To be served by August 31, 2004.
Completion of Discovery	All fact discovery, including depositions, should be completed by June 30, 2005.
Written Discovery	A maximum of 25 interrogatories by each party, submitted no later than October 30, 2004, unless leave of Court is obtained. Requests for Admission will be served by January 31, 2005.
Depositions	The parties anticipate that the plaintiff will require a total of 5 depositions of fact witnesses and that the defendant will require a total of 10 depositions of fact witnesses.
Expert Disclosure	March 17, 2005 (Plaintiff) April 15, 2005 (Defendant)

Expert Depositions Completed	June 30, 2005
Joinder of Additional Parties	October 30, 2004
Amendment of Pleadings	June 30, 2005
Dispositive Motions	60 days after close of discovery (<u>i.e.</u> , August 30, 2005).
Final Pretrial Conference	October 15, 2005
Settlement Possibilities	Mediation may be useful to help resolve the case.
Witness and Exhibit Lists	To be included in the Pretrial Memorandum as provided in Loc. R. 16.5(D).
Trial Estimate	One week.
Trial Date	October 30, 2005 or as scheduled by the Court.

III. Other Matters

- a. Trial by Magistrate. The parties do not consent to trial before a U.S. Magistrate Judge.
- b. Phased Discovery. Discovery will not be conducted in phases.
- c. Right to Jury Trial. Plaintiff has sought a jury trial on some or all issues. Defendant disputes whether plaintiff is entitled to a jury trial on any issue.
- d. Settlement Proposals. Pursuant to Local Rule 16.1(C), plaintiff will present Aetna with a written settlement proposal on or by July 15, 2004.

IV. Agenda

The parties propose the following agenda for the Scheduling Conference:

- a. the discovery plan and case schedule outlined above;
- b. the advisability of referring the case to the Court's alternative dispute resolution program under Local Rule 16.4; and

c. such other matters as the Court may find appropriate and useful to discuss.

V. Certification By Counsel

Pursuant to L.R. 16.1(D)(3), the undersigned certify that we have conferred with each other and with our clients (a) with a view to establishing a budget for the cost of conducting the full course—and various alternative courses—of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in L.R. 16.4.

PLAINTIFF, GAIL SHAW

By her attorneys,

/s/ Marcia L. Elliott

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**DEFENDANT,
AETNA LIFE INSURANCE COMPANY**

By its attorneys,

/s/ James H. Rotondo

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